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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14
15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 THE STATE OF CALIFORNIA; GAVIN
19 C. NEWSOM, in his Official Capacity as
20 Governor of California; et al.,

21 Defendants,

22 ASSOCIATION OF CALIFORNIA EGG
23 FARMERS; HUMANE WORLD FOR
24 ANIMALS; et al.,

25 Defendant-Intervenors.

26 No. CV-25-6230-MCS-AGR

27 PLAINTIFF'S CONSOLIDATED
28 MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY
JUDGMENT AND RESPONSE IN
OPPOSITION TO MOTIONS TO
DISMISS AND MOTION FOR
SUMMARY JUDGMENT,

Hearing Date: February 23, 2026
Hearing Time: 9:00 a.m.
Courtroom: 7C

Honorable Mark C. Scarsi
United States District Judge

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1 INTRODUCTION

2 For nearly eight decades, Congress has recognized that the national market for
3 agricultural commodities demands uniform national rules. So in 1970, when Congress
4 confronted the patchwork of state regulations governing eggs, it responded with the Egg
5 Products Inspection Act, 21 U.S.C. § 1031 *et seq.* (EPIA). The EPIA does not hint, but
6 states outright, that its purpose is to establish “uniformity of standards for eggs” moving
7 in interstate commerce. *Id.* § 1032. Congress paired that command with an express
8 preemption clause that invalidates additional or different State standards regulating the
9 “quality” and “condition” of eggs sold across state lines. *Id.* § 1052(b).

10 California’s ban on selling eggs with certain disqualifying characteristics disregards
11 that instruction. Its prohibition on selling eggs laid by hens kept in non-California-
12 compliant enclosures operates as a substantive standard on eggs themselves—one that
13 disqualifies a category of eggs from interstate commerce based on state-imposed criteria
14 that federal law does not recognize. The sales ban functions, in form and effect, as a new
15 standard of “quality” and “condition”: it turns on a characteristic that California itself has
16 framed as bearing on the wholesomeness, safety, and marketability of the product. That
17 is exactly what Congress foreclosed. The EPIA leaves room for States to regulate
18 production practices and establish animal housing standards within their borders, but not
19 to redefine which eggs may be sold in interstate commerce.

20 The issue here is thus a narrow one. Nothing in this case challenges California’s
21 authority to regulate the housing of hens inside California, including by prohibiting
22 farming methods that it concludes are inhumane or unsafe. The question is instead
23 whether California may impose its own quality standards *on eggs* shipped into the national
24 marketplace. Congress answered that question clearly: no State “may require the use of
25 standards of quality [or] condition . . . in addition to or different from” federal standards.
26 *Id.* That is enough to conclude that California’s egg-sales ban is preempted. No other
27 interpretation of the EPIA’s ordinary meaning is plausible nor compatible with Congress’s
28 expressed intent to establish “uniformity of standards for eggs.” *Id.* § 1032.

In addition to the sales ban, California’s labeling requirements for liquid eggs are also invalid, as the EPIA separately prohibits States from imposing non-federal “[l]abeling . . . requirements” on egg products. 21 U.S.C. § 1052(b)(3). California’s labeling requirements as applied to “liquid eggs” should also be enjoined. Cal. Code Regs. tit. 3 § 1320.4(b)-(c).

None of the defending parties' arguments permits California to continue to enforce its own state-specific egg standards in violation of the EPIA's plain command. The United States has standing to challenge preempted State laws because it suffers an ongoing sovereign injury when a State usurps federal authority in violation of the Supremacy Clause, particularly where the federal government alleges that Congress has expressly preempted the State law at issue. And as for relief, equity always favors enjoining preempted laws because neither the State nor the public has any interest in the continued enforcement of unconstitutional statutes. Even if that were not the rule, enjoining the sales ban would not undermine any cognizable reliance interests.

At bottom, the dispute here does not concern California’s authority to regulate production practices or animal welfare, but Congress’ decision to impose uniform national standards for eggs through the EPIA. The Court should honor that directive and the statute’s plain text by enjoining California’s preempted sales and labeling requirements.

BACKGROUND

Since 1946, Congress has consistently legislated in favor of nationally uniform standards for agricultural products. *See, e.g.*, 7 U.S.C. § 1622(c) (directing Secretary of Agriculture to “[t]o develop and improve standards of quality, condition, grade, and packaging . . . in order to encourage uniformity and consistency in commercial practices”). In 1970, Congress established uniform national quality standards for eggs, in particular, by passing the EPIA.

A. Federal Egg Standards

The EPIA governs the protection of human health in connection with the quality,

1 inspection, and labeling of eggs¹ and egg products. Section 1031, titled “Congressional
2 statement of findings,” provides that:

3 It is essential, in the public interest, that the health and welfare of
4 consumers be protected by the adoption of measures prescribed herein
5 for assuring that eggs and egg products distributed to them and used in
6 products consumed by them are wholesome, otherwise not adulterated,
and properly labeled and packaged.

7 21 U.S.C. § 1031.

8 In addition to protecting public health, Congress through the EPIA sought to
9 promote free and unhindered commerce in the interstate market for eggs and egg products.
10 The EPIA provides that “regulation by the Secretary of Agriculture . . . and cooperation
11 by the States . . . are appropriate to prevent and eliminate burdens upon [interstate]
12 commerce. *Id.* Congress saw the need to “insure uniformity of labeling, standards, and
13 other provisions and enhance the free movement of eggs and egg products in interstate
14 commerce.” H.R. Rep. No. 91-1670 at 66, 1970 WL 5922, at *5246 (Dec. 3, 1970).

15 To achieve these twin aims, the EPIA provided for uniform national market
16 standards for eggs, and it expressly preempted any state or local standards for eggs that
17 differ from or add to federal standards. The EPIA declares “the policy of the Congress to
18 provide for . . . uniformity of standards for eggs.” 21 U.S.C. § 1032.

19 Most critically, section 1052(b) contains an express preemption provision that
20 invalidates state laws intended to regulate the quality or condition of eggs. It provides:
21 “For eggs which have moved or are moving in interstate or foreign commerce, . . . no State
22 or local jurisdiction may require the use of standards of quality, condition, weight,
23 quantity, or grade which are *in addition to or different from* the official Federal
24 standards[.]” 21 U.S.C. § 1052(b) (emphasis added). Federal standards are thus the sole
25 standards that govern eggs shipped in interstate commerce.

26 Congress delegated to the Secretary of Agriculture broad authority to issue “such

27
28 ¹ “Egg” (as opposed to “egg product”) means “the shell egg of the domesticated
chicken, turkey, duck, goose, or guinea.” 21 U.S.C. § 1033(g).

1 rules and regulations as he deems necessary to carry out the purposes or provisions of" the
2 EPIA. 21 U.S.C. § 1043. Exercising that authority, the Secretary has codified the EPIA's
3 express preemption provision in a federal regulation that provides, "[f]or eggs that moved
4 or are moving in interstate or foreign commerce, no State or local jurisdiction . . . [m]ay
5 require the use of standards of quality, condition, grade, or weight classes which are in
6 addition to or different than the official standards[.]" 7 C.F.R. § 57.35(a)(1).

7 Although the terms "condition" and "quality" are not defined within the EPIA, the
8 Secretary has expansively defined both terms for purposes of subpart 57. *See* 7 C.F.R. §
9 57.1. Relevant here:

10 Condition means any characteristic affecting a product[']s
11 merchantability including, but not being limited to, . . . [t]he state of
12 preservation, cleanliness, soundness, wholesomeness, or fitness for
13 human food of any product; or the processing, handling, or packaging
14 which affects such product.
15 .

16 Quality means the inherent properties of any product which determine
17 its relative degree of excellence.

18 *Id.*

19 In the EPIA, Congress also sought to remove barriers to the interstate trade of "eggs
20 products"—which is defined to mean any product containing a meaningful proportion of
21 dried, frozen, or liquid eggs. *See* 21 U.S.C. § 1033(f). Among other things, the Act
22 preempts states from imposing on processors of egg products any "[l]abeling, packaging,
23 or ingredient requirements, in addition to or different than those made under [the EPIA],
24 the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act." 21
U.S.C. § 1052(b).

25 **B. California Egg Standards**

26 In 2008, California voters approved Proposition 2, a ballot initiative that amended
27 the California Health and Safety Code with prescribed requirements for housing covered
28 farm animals, including egg-laying hens, within California. *See* 2008 Cal. Legis. Serv.
Prop. 2 (Proposition 2). Effective January 2015, Proposition 2 prohibited farmers from

1 housing covered animals “for all or the majority of any day” in a way that prevents the
2 animal from either (1) lying down, standing up, and fully extending its limbs, or (2) turning
3 around freely. *See id.* § 3. To enforce its requirements, a violation of Proposition 2 was
4 made a misdemeanor offense punishable by a \$1,000 fine or up to 180 days in jail. *See id.*

5 Two years later, the California Legislature enacted AB 1437. *See* 2010 Cal. Legis.
6 Serv. Ch. 51 (AB 1437). Unlike Proposition 2, which prohibited certain *production*
7 practices (and is not at issue here), AB 1437 reaches beyond methods to the product itself,
8 barring the sale of eggs that fail to meet specified standards. The legislature’s codified
9 intent in passing AB 1437 was “to protect California consumers from the deleterious,
10 health, safety, and welfare effects of the sale and consumption of eggs derived from egg-
11 laying hens that are exposed to significant stress and may result in increased exposure to
12 disease pathogens including salmonella.” Cal. Health & Safety Code § 25995(e). To that
13 end, AB 1437 banned the sale of eggs that were produced by hens kept in violation of
14 Proposition 2’s housing requirements. *See* AB 1437 §1, codified at Cal. Health & Safety
15 Code § 25996. This prohibition applies to all egg sales in the State—even if the eggs were
16 produced entirely outside California. *See id.*

17 In November 2018, California voters approved Proposition 12, a ballot initiative
18 that amends and adds to the egg standards and animal housing requirements already
19 imposed by Proposition 2 and AB 1437. *See* 2018 Cal. Legis. Serv. Prop. 12 (Proposition
20 12). As for the new housing standards (which are not at issue here), Proposition 12
21 prohibits “[c]onfining [egg-laying hens] in a manner that prevents the animal from lying
22 down, standing up, fully extending the animal’s limbs, or turning around freely”—not just
23 for the majority of a day, but (with limited exceptions) *at any time*. *See id.* § 4; Cal. Health
24 & Safety Code § 25990(a) (prohibition on confining covered animal “in a cruel manner”);
25 *id.* § 25991(e) (defining “[c]onfined in a cruel manner”). This means an egg-laying hen
26 must be able to fully extend all of its limbs “without touching the side of an enclosure, or
27 another animal,” and must be able to “tur[n] in a complete circle without any impediment,
28 including a tether, and without touching the side of an enclosure or another animal

1 enclosure.” Cal. Health & Safety Code § 25991(e)(1), (k), (q). Moreover, Proposition 12
2 bans the use of any “enclosure[s] other than a cage-free housing system,” and imposes
3 minimum floorspace requirements per hen. *See id.* § 25991(e)(5).

4 In addition to imposing housing requirements on farmers, Proposition 12 (like AB
5 1437 before it) reached beyond production and banned the sale of eggs produced by hens
6 kept in conditions that fail to meet its mandates.² *See* Proposition 12 § 3; Cal. Health &
7 Safety Code § 25990(b)(3). The ban applies to sales of shell eggs and liquid eggs in
8 California even if the product derives from a farm animal raised entirely outside of
9 California. *See id.* That is, covered products from an egg-laying hen cannot be sold in
10 California if the egg-laying hen was ever confined in conditions that do not satisfy
11 Proposition 12. A sale of eggs that does not comply with Proposition 12 is a criminal
12 offense that carries a penalty of up to a \$1,000 fine and 180 days in jail. *See* Proposition
13 12 § 6; Cal. Health & Safety Code § 25993(b). A violation is also defined as “unfair
14 competition” under California Business & Professional Code § 17200, subjecting a
15 noncompliant seller to civil liability. *Id.*

16 California has promulgated numerous regulations to implement Proposition 12 and
17 its predecessors. For example, Cal. Code Regs. § 1320.1 makes it a regulatory offense to
18 sell eggs that were not produced in line with the suite of “standards” that hen enclosures
19 must meet under California law. Cal. Code Regs. tit. 3 § 1320.1(a). Another provision
20 requires that labels on eggs and egg products using the term “cage free” be fully compliant
21 with Proposition 12’s animal housing standards. *Id.* § 1320.4(c); *see also id.* § 1320.4(b).

22 C. This Lawsuit

23 In July 2025, the United States filed this lawsuit against the Sales Ban (Counts I and
24 II) and certain labeling requirements (Count III). *See* Am. Compl. (Compl.) ¶¶ 53-66,
25

26 ² References in this brief to California’s “Sales Ban” collectively refer to the
27 provisions enacted by AB 1437 (now codified at Cal. Health & Safety Code § 25996) and
28 Proposition 12 (codified at Cal. Health & Safety Code § 25990(b)(3)) that prohibit the sale
of shell eggs that were produced by hens kept in conditions that fail to satisfy California
law.

1 ECF No. 47. More specifically, Count I asserts the egg sales prohibition codified by AB
2 1437 (and tied initially to Proposition 2) is preempted, *see id.* ¶¶ 53-59, and Count II
3 similarly asserts preemption as to Proposition 12's parallel sales ban—and only that part
4 of Proposition 12, *see id.* ¶¶ 60-63. Last, Count III asserts that California's labeling
5 requirements for liquid eggs are preempted.³ *See id.* ¶¶ 64-66.

6 This Court has granted motions to intervene by three sets of Defendant-Intervenors:
7 (1) the Association of California Egg Farmers ("ACEF"); (2) The Center for a Humane
8 Economy and Animal Wellness Action (together, "AWA"); and (3) Humane World for
9 Animals, Animal Legal Defense Fund, Animal Equality, The Humane League, Farm
10 Sanctuary, Compassion in World Farming, Inc., and Animal Outlook (together, "Humane
11 World"). All parties have moved for dispositive relief.⁴

12 **LEGAL STANDARDS**

13 In resolving a facial challenge to this Court's jurisdiction under Rule 12(b)(1), the
14 Court must accept the complaint's allegations as true and draw all reasonable inferences
15 in favor of the party asserting jurisdiction. *Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th
16 Cir. 2014).

17 Similarly, on a motion to dismiss under Rule 12(b)(6), the court must "accept as
18 true all well-pleaded allegations of material fact, and construe them in the light most
19 favorable to the non-moving party." *Daniels-Hall v. National Educ. Ass'n*, 629 F.3d 992,
20 998 (9th Cir. 2010). A 12(b)(6) motion fails when the complaint contains "sufficient
21 factual matter, accepted as true, to state a claim to relief that is plausible on its face."
22 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted).

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³ Count III challenges only the labeling requirements codified at Cal. Code Regs.
tit. 3 § 1320.4(b)-(c)(collectively, "Labeling Requirements"). The United States thus does
not address Opposing Parties arguments pertaining to § 1320.4(a).

27
28 ⁴ Collectively, Defendants and Defendant-Intervenors are referred to as the
"Opposing Parties." All pin cites to filings refer to the CM/ECF-assigned page numbers
appearing in the docket header.

1 A movant is entitled to summary judgment if it shows “there is no genuine dispute
2 as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R.
3 Civ. P. 56(a).

4 **ARGUMENT**

5 The merits question here is one of first impression. No court has ever answered
6 whether the EPIA preempts the specific provisions at issue. Indeed, no court has yet to
7 decide whether *any* of California’s egg sales bans or array of animal housing mandates
8 can survive the EPIA’s preemptive scope. But because several parties suggest otherwise,
9 the United States briefly recounts prior related litigation involving California.

10 In 2012, a farmer’s constitutional challenge to Proposition 2 was dismissed for
11 failure to state a claim. *Cramer v. Brown*, No. 12-cv-3130, 2012 WL 13059699, at *6
12 (C.D. Cal. Sept. 12, 2012), *aff’d*, 591 F. App’x. 634 (9th Cir. 2015). The complaint there
13 did not assert EPIA preemption. Nor does the United States here challenge any part of
14 Proposition 2.

15 In 2014, a group of States challenged AB 1437 and a related California regulation
16 on constitutional and statutory grounds. Without reaching the merits, the court dismissed
17 the complaint for lack of subject matter jurisdiction after finding that the States could not
18 maintain *parens patriae* standing based on alleged harm to egg farmers. *See Missouri v.*
19 *Harris*, 58 F. Supp. 3d 1059 (E.D. Cal. 2014), *aff’d sub nom. Missouri ex rel. Koster v.*
20 *Harris*, 847 F.3d 646 (9th Cir. 2014).

21 In 2017, several States sought leave to invoke the Supreme Court’s original
22 jurisdiction to challenge both Proposition 2 and AB 1437, alleging that each violated the
23 Dormant Commerce Clause and the EPIA. *See* Bill of Compl. ¶ 2, *Missouri v. California*,
24 No. 22O148 (Dec. 4, 2017). Their submission treated Proposition 2’s housing
25 requirements and AB 1437’s sales ban as a single regulatory regime—analyzing those
26 distinct requirements collectively as the “California Regulations.” *Id.* ¶ 4. After the
27 Supreme Court requested the views of the United States, the Solicitor General filed an
28 amicus brief recommending that the Court decline to exercise its discretion to hear the

1 dispute, principally citing “uncertainty” about the plaintiffs’ standing and “the additional
2 reason that plaintiffs’ claims c[ould] be raised by other parties in a district-court action.”
3 Br. for the United States as *Amicus Curiae* at 13, 16, *Missouri v. California*, No. 22O148
4 (Nov. 29, 2018) (USA Missouri Br.) (attached as Ex. 7 to Boynton Decl., ECF 61-10).
5 The United States also took the position that the “California Regulations,” including AB
6 1437, were not preempted by the EPIA. *See id.* at 18. The Supreme Court ultimately
7 denied leave to file, with Justice Thomas noting his dissent.

8 **I. The United States Has Standing to Challenge State Laws that Congress Has
9 Expressly Preempted.**

10 The United States has standing to seek relief against enforcement of preempted state
11 laws like California’s Sales Ban. *See, e.g., Arizona v. United States*, 567 U.S. 387 (2012)
12 (pre-enforcement preemption challenge to state immigration law). Opposing Parties argue
13 that the United States has failed to allege a cognizable injury. That is plainly wrong. The
14 United States suffers sovereign harm when a state legislates in violation of federal law and
15 the Supremacy Clause. *See, e.g., United States v. Alabama*, 691 F.3d 1269, 1301 (11th
16 Cir. 2012) (“The United States suffers injury when its valid laws in a domain of federal
17 authority are undermined by impermissible state regulations.”).

18 The United States is suffering an ongoing injury to its sovereignty because the Sales
19 Ban and Labeling Requirements violate the EPIA and are expressly preempted. The
20 federal government, like each state, has cognizable “sovereign interests,” not only in its
21 “power to create and enforce a legal code, both civil and criminal,” but also in “recognition
22 [of that code] from other sovereigns.” *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel.
Barez*, 458 U.S. 592, 601 (1982); *Arizona*, 567 U.S. at 398 (“Federalism, central to the
23 constitutional design, adopts the principle that both the National and State Governments
24 have elements of sovereignty the other is bound to respect.”).

25 The Supreme Court has thus explained: “It is beyond doubt” that a complaint
26 “asserts an injury to the United States” if it alleges an “injury to [U.S.] sovereignty arising
27 from violation of its laws.” *Vermont Agency of Nat. Res. v. United States ex. rel. Stevens*,

1 529 U.S. 765, 771 (2000). So “[t]he United States suffers injury when its valid laws in a
2 domain of federal authority are undermined by impermissible state regulations.” *Alabama*,
3 691 F.3d at 1301; *accord, e.g.*, *La Unión del Pueblo Entero v. Abbott*, 604 F. Supp. 3d
4 512, 527 (W.D. Tex. 2022) (“When state governments enact laws that impugn the United
5 States’ sovereignty, a personal injury to the United States arises.”); *see also id.* at 526
6 (“Undoubtedly, the United States suffers a concrete harm to its sovereignty when its laws
7 are violated” by a state.).

8 Courts have repeatedly and uniformly applied this principle to hold that “the United
9 States’ sovereign interests are harmed when its laws are violated.” *United States v. Idaho*,
10 623 F. Supp. 3d 1096, 1107 (D. Idaho 2022); *see also, e.g.*, *Stauffer v. Brooks Bros.*, 619
11 F.3d 1321, 1326 (Fed. Cir. 2010) (“From the government’s perspective, a harm arises from
12 an ‘injury to its sovereignty arising from violation of its laws.’” (quoting *Vermont Agency*,
13 529 U.S. at 771)); *United States v. California*, No. 2:19-cv-02142, 2020 WL 8183945, at
14 *3 (E.D. Cal. Feb. 26, 2020) (“The United States has plausibly alleged its claimed injury—
15 the usurpation of federal authority to conduct foreign affairs.”); *New York by James v. Pa.*
16 *Higher Educ Assistance Agency*, No. 19-cv-9155, 2020 WL 2097640, at *11 (S.D.N.Y.
17 May 1, 2020) (“a sovereign is injured by a violation of its law”); *Equal Emp. Opportunity*
18 *Comm’n v. Day & Zimmerman NPS, Inc.*, 265 F. Supp. 3d 179, 192 (D. Conn. 2017) (The
19 United States suffers an “injury to its sovereignty . . . from violation of its laws.”).

20 The challenged provisions—which are in full effect and being implemented—injure
21 U.S. sovereignty by violating the EPIA’s express preemption provision and usurping
22 Congress’ authority to regulate interstate commerce and set uniform national standards for
23 agricultural commodities. And an injunction from this Court would fully redress that
24 harm. That is sufficient for standing.

25 California’s reliance on *United States v. Mattson*, 600 F.2d 1295 (9th Cir. 1979),
26 *see* ECF 60 at 13, is thus misplaced. That case did not involve a preemption challenge to
27 state law or any alleged sovereign injury to the United States. Rather, the Attorney
28 General sued to “protect[] the constitutional rights” of disabled individuals housed in a

1 facility owned by the state of Montana. *See Mattson*, 600 F.2 at 1297. That does not
2 remotely describe the theory of standing asserted here.

3 ACEF’s citation to *United States v. City of Arcata*, 629 F.3d 986, 990 (9th Cir.
4 2010), is similarly off base. ECF 61-1 at 9. There, in rejecting a challenge to the United
5 States’ standing, the Ninth Circuit simply held that the federal government *could* challenge
6 a local ordinance that would “require federal recruiters to alter their conduct or face civil
7 penalties.” *Arcata*, 629 F.3d at 990. The Court certainly did not suggest that those are the
8 only types of cognizable Article III injuries that the United States can plead to establish
9 its standing to sue.

10 **II. The EPIA Preempts California’s Sales Ban.**

11 The EPIA expressly preempts the Sales Ban. That prohibition creates additional, or
12 different, requirements governing what constitutes safe, wholesome, and unadulterated
13 eggs entering interstate commerce. California is free under the EPIA to regulate egg
14 production within its borders, including by imposing housing and other production-related
15 requirements on California farmers. But California may not impose non-federal standards
16 on eggs themselves without running afoul of the express preemption provision of the
17 EPIA.

18 The Supremacy Clause of the U.S. Constitution provides that federal law is “the
19 supreme Law of the Land,” notwithstanding any contrary state enactment. U.S. Const.,
20 art. VI, cl. 2. Thus, Congress “may expressly preempt state law” by statute. *Am. Apparel*
21 & *Footwear Ass’n, Inc. v. Baden*, 107 F.4th 934, 939 (9th Cir. 2024). “Express preemption
22 is a question of statutory construction, requiring a court to look to the plain wording of the
23 statute and surrounding statutory framework to determine whether Congress intended to
24 preempt state law.” *Id.* And when, as here, a “statute contains an express pre-emption
25 clause,” courts “do not invoke any presumption against pre-emption.” *Commonwealth of*
26 *Puerto Rico v. Franklin Cal. Tax-free Trust*, 579 U.S. 115, 125 (2016). The inquiry instead
27 “focus[es] on the plain wording of the clause, which necessarily contains the best evidence
28 of Congress’ pre-emptive intent.” *Id.*

1 That inquiry is easy here. Congress declared its “policy . . . to provide for . . .
2 uniformity of standards for eggs,” leaving no doubt that the EPIA was intended to preempt
3 state-imposed egg standards such as California’s Sales Ban. 21 U.S.C. § 1032. The
4 preemption clause’s ordinary meaning, on-point Supreme Court precedent, and even the
5 California legislature’s own findings all point to the same result. And none of Opposing
6 Parties’ numerous (though often overlapping) counterarguments comes close to rescuing
7 the Sales Ban.

8 **A. The Sales Ban functions as a new egg quality standard in violation of the**
9 **EPIA’s plain language.**

10 The EPIA’s preemption clause invalidates all state laws “requir[ing] the use of
11 standards of quality, condition, weight, quantity, or grade which are in addition to or
12 different from the official Federal standards.” *Id.* § 1052(b)(1). This expansive provision
13 reflects Congress’ stated purpose to “provid[e] for the ‘uniformity of standards for eggs.’”
14 ECF 60 at 16 (quoting 21 U.S.C. § 1032). And the Sales Ban rather straightforwardly
15 violates this provision by imposing non-federal standards on eggs shipped in interstate
16 commerce.

17 At the threshold, this Court does not write on a blank slate in determining the EPIA’s
18 preemptive scope. Supreme Court precedent leaves no doubt about the import of the
19 EPIA’s preemption clause. The key language—“in addition to or different from”—
20 appears in materially identical terms in a comparable preemption clause in the Federal
21 Meat Inspection Act (FMIA). The FMIA prohibits States from imposing standards for
22 slaughterhouses that are “in addition to, or different than” federal standards. *See* 21 U.S.C.
23 § 678 (providing that “[r]equirements” for animal slaughterhouses “which are in addition
24 to, or different than those made under this [Act] may not be imposed by any State”). In
25 *National Meat Ass’n v. Harris*, the Supreme Court unanimously held that the FMIA’s
26 preemption clause preempted a California statute that prohibited the slaughter of
27 nonambulatory animals for human consumption. 565 U.S. 452, 459 (2012). The Court
28 held that the FMIA’s preemption provision “sweeps widely” and “prevents a State from

1 imposing any additional or different—even if non-conflicting—requirements” on
2 agricultural products covered by the Act. *Id.* at 459-60. Likewise, the EPIA’s preemption
3 clause “covers not just conflicting, but also different or additional state requirements,” and
4 it “precludes California’s effort . . . to impose new rules, beyond any the [federal
5 government] has chosen to adopt,” for eggs shipped in interstate commerce. *Id.* at 461.

6 The EPIA’s preemption clause thus prohibits States such as California from
7 imposing non-federal standards on eggs shipped in interstate commerce. *See also, e.g.,*
8 *Campbell v. Hussey*, 368 U.S. 297, 300-02 (1962) (Congress’ adoption of “uniform
9 standards of classification and inspection” of tobacco “left no room for any supplementary
10 state regulation concerning those same types” even in the absence of an express
11 preemption provision). And this Court would not be breaking new ground in enjoining
12 non-federal egg quality standards under the EPIA. In *United Egg Producers v. Davila*,
13 the district court seemingly had little trouble concluding that the EPIA invalidated Puerto
14 Rico’s attempt to impose a 42-day marketing window and separate freshness standards on
15 eggs sold within the territory. *See* 871 F. Supp. 106, 108-09 (D.P.R. 1994), *aff’d on other*
16 *grounds*, *United Egg Producers v. Dep’t of Agric. of Com. of Puerto Rico*, 77 F.3d 567
17 (1st Cir. 1996).

18 The ordinary meaning of the EPIA’s preemption clause comfortably reaches
19 California’s Sales Ban. That prohibition “require[s]” merchants to “use” “standards of
20 quality [and] condition” that add to and differ from federal egg quality standards. *Id.* at
21 108. More specifically, the Sales Ban bars a business from selling eggs with certain
22 disqualifying characteristics—those that are “the product of a [hen] who was confined in
23 a cruel manner.” Cal. Health & Safety Code § 25990(b)(3). In form and effect, that
24 prohibition makes the legality of selling an egg turn on whether the egg satisfies a State-
25 imposed “standard”—“a level of quality, achievement, performance, etc., that is
26 considered acceptable or desirable.” *See Standard*, Webster’s Dictionary, <https://www.merriam-webster.com/dictionary/standard> (last visited Dec. 8, 2025). This standard is
27 preempted by the EPIA because it forces merchants to sort, exclude, and differentiate
28

1 among eggs based on criteria that federal law simply does not impose.

2 Moreover, the standards embedded in California’s Sales Ban squarely regulate the
3 “quality” and “condition” of eggs within the ordinary meaning of those terms.
4 Although the EPIA does not define either word, the Oxford English Dictionary (OED)
5 defines “quality,” as applied to a thing, as “[a]n attribute, property; a special feature or
6 characteristic,” or as “[a] particular class, kind, or grade of something, as determined by
7 its character, esp[ecially] its excellence.” *Quality*, OED Online, https://www.oed.com/dictionary/quality_n?tab=meaning_and_use#27358090 (last visited Dec. 8, 2025). Under
8 these definitions, the Sales Ban plainly establishes a quality standard: it prohibits a
9 “particular class [or] kind” of eggs—those possessing the disqualifying “attribute” or
10 “characteristic” of having been produced by hens kept in noncompliant enclosures. *Id.*
11 That is exactly the sort of quality criterion Congress barred States from adding to the
12 nationally uniform standards that govern eggs moving in interstate commerce.

13 Opposing Parties dismiss Plaintiff’s reliance on ordinary meaning as “hyperliteral,”
14 ECF 61-1 at 19, but no resort to dictionaries is needed to see that the Sales Ban functions
15 as an impermissible quality standard. Consider a simple hypothetical: if California barred
16 the sale of eggs laid by hens exposed to avian flu, would anyone doubt that the State was
17 imposing a quality standard on the eggs themselves? No one would hesitate to describe
18 that rule as a quality standard, even though the flaw in the eggs (their exposure to disease
19 vectors) would lie in a production attribute, not the eggs’ physical characteristics. Yet
20 under Opposing Parties’ logic, a ban triggered by exposure to avian flu would somehow
21 escape classification as a “quality” regulation because the disqualifying trait attaches to
22 the circumstances of production rather than to an observable physical feature of the egg.
23 That is backwards. The ordinary English speaker would recognize that when a jurisdiction
24 forbids the sale of eggs because of some inherent, production-based characteristic, it is
25 imposing a quality standard on eggs.

26 The same is true for “condition.” The OED defines “condition” as “[a] particular
27 mode of being of a person or thing; state of being.” *Condition*, OED Online, <https://www.oxforddictionaries.com/definition/english/condition>.

1 oed.com/dictionary/condition_n?tab=meaning_and_use#8688913 (last visited Dec. 8,
2 2025). By rendering eggs unlawful solely because of the “mode” of production that
3 defines their “state of being,” California has adopted a condition-based restriction no
4 different in kind from regulating cleanliness, texture, or any other pre-sale state of the
5 product. The EPIA’s “sweep[ing]” preemption clause leaves no room for such additional
6 State-imposed quality or condition requirements, *Harris*, 565 U.S. at 459, and California’s
7 imposition of such standards therefore cannot stand.

8 It should come as no surprise to the State that its Sales Ban impermissibly imposes
9 standards of quality and condition on eggs. When enacting AB 1437, the legislature
10 expressly framed the law as a health-and-safety regulation designed to improve the quality
11 and condition of eggs sold in the State. Its codified purpose was “to protect California
12 consumers from the deleterious, health, safety, and welfare effects of the sale and
13 consumption of eggs derived from egg-laying hens that are exposed to significant stress
14 and may result in increased exposure to disease pathogens including salmonella.” AB
15 1437 § 1; Cal Health & Safety Code § 25995. Proposition 12 likewise declares that its
16 restrictions respond to “threat[s] [to] the health and safety of California consumers” and
17 “the risk of foodborne illness.” Proposition 12 § 2.

18 Though not themselves dispositive, these legislative findings confirm the
19 commonsense conclusion that a ban on eggs with certain disqualifying attributes—
20 specifically, eggs that “may result in increased exposure to disease pathogens” because
21 they are “the product of” hens “confined in a cruel manner”—necessarily imposes
22 standards of egg “quality” and “condition.” ECF 60-1 at 5 (quoting Cal. Health & Safety
23 Code § 25995(e)).

24 Moreover, the Sales Ban imposes prohibited “quality” and “condition” standards as
25 those terms are expressly defined in the EPIA’s implementing regulations. Start with
26 “condition,” which is expansively defined as “any characteristic affecting a product[’]s
27 merchantability including . . . [t]he state of preservation, cleanliness, soundness,
28 wholesomeness, or fitness for human food of any product; or the processing, handling, or

1 packaging which affects such product.” 7 C.F.R. § 57.1. The Sales Ban squarely imposes
2 standards of “condition” under this capacious definition; whether an egg was produced in
3 compliance with Proposition 12 is an objective characteristic related to its fitness for
4 consumption that affects its merchantability—indeed, the Sales Ban makes that
5 characteristic determinative of its merchantability in California.⁵

6 The Sales Ban likewise imposes standards of “quality” as that term is defined by
7 regulation. “Quality” is defined as “the inherent properties of any product which
8 determine its relative degree of excellence.”⁶ *Id.* § 57.1. Relying on snippets of dictionary
9 definitions of “inherent,” California and ACEF argue that a “quality” must be “intrinsic to
10 a thing,” and does not include “[e]xtrinsic facts like where and how the eggs were
11 produced.” ECF 61-1 at 20-21; *see* ECF 60 at 23. This argument fails on its own terms.
12 A product’s provenance—*i.e.*, how it came to possess the attributes it has—is not an
13 “extrinsic” characteristic at all, but a foundational component of the product’s inherent
14 properties. And regardless of its characterization as “intrinsic” or “extrinsic,” a product’s
15 method of production here may be considered part and parcel of “the constitution [and]
16 essential character” of that product. ECF 60 at 23 (quoting *Inherent*, Webster’s
17 Dictionary, <https://www.merriam-webster.com/dictionary/inherent> (last visited Dec. 8,
18 2025)). In the same way, the conditions under which a product is produced are inseparable
19 from the product and thus “[e]xist[] in [it] as a permanent attribute or quality.” *Inherent*,
20 OED Online, https://www.oed.com/dictionary/inherent_adj?tab=meaning_and_use#37296682

21
22 ⁵ Given that the Sales Ban makes noncompliant eggs unmarketable, ACEF’s
23 assertion that the challenged provisions “do not regulate eggs’ ‘merchantability,’” ECF
24 61-1 at 13—a term that is synonymous with “saleability”—makes little sense,
Merchantability, OED Online, https://www.oed.com/dictionary/merchantability_n?tab=meaning_and_use#37296682 (last visited Dec. 8, 2025); *see also Merchantable*, Black’s
25 Law Dictionary 1139 (rev. 4th ed. 1968) (“salable and fit for the market”).

26 ⁶ Although ACEF concedes that 7 C.F.R. § 57 is “the subpart containing regulations
27 governing the inspection of eggs under the EPIA,” it nonetheless claims that the applicable
28 definitions are found in the previous subpart of Chapter 7—at 7 C.F.R. § 56.1. ECF 61-1
at 19. This is plainly wrong. The most relevant regulatory definitions are in subpart 57
because that is the subpart that codifies the EPIA’s preemption clause in materially
identical language by regulation. *See* 7 C.F.R. § 57.35. In other words, the EPIA’s
preemption clause should be interpreted with reference to the subpart of EPIA regulations
that deals with preemption—not the one before it.

1 454518 (last visited Dec. 8, 2025).

2 Together or separately, the EPIA’s ordinary meaning, the Supreme Court’s analysis
3 in *Harris*, and Congress’ expressed intent to establish “uniformity of standards for eggs,”
4 all point to the same conclusion: the Sales Ban is preempted.

5 **B. Opposing Parties’ counterarguments fail.**

6 None of Opposing Parties’ counterarguments overcomes the EPIA’s ordinary
7 meaning or Congress’ expressed and unambiguous intent to “provid[e] for the ‘uniformity
8 of standards for eggs.’” ECF 60 at 16 (quoting 21 U.S.C. § 1032).

9 *First*, Opposing Parties are wrong that § 1052(b)(1)’s reference to “official Federal
10 standards” means that States are preempted only from imposing standards regarding the
11 physical characteristics of eggs. *See id.* at 15-16. This follows, the Opposing Parties say,
12 because current federal standards do not address confinement conditions for egg-laying
13 hens. This argument is inconsistent with the EPIA’s plain meaning and is foreclosed by
14 the Supreme Court’s unanimous decision in *Harris*. No matter how current USDA egg
15 standards are characterized, the standards established by and under the EPIA govern what
16 kinds of eggs may be sold in interstate commerce, and the absence of a direct conflict with
17 the Sales Ban “is irrelevant, because the [EPIA]’s preemption clause covers not just
18 conflicting, but also different or additional state requirements.” *Harris*, 565 U.S. at 461.
19 It is thus of no moment that current federal standards are not directly tied to confinement
20 conditions. Because the Sales Ban erects an additional and different standard of quality
21 that the EPIA does not recognize, it functions as a standard for eggs preempted by the
22 EPIA. And even apart from that, Opposing Parties’ contrary interpretation is simply not
23 plausible. Permitting States to erect a patchwork of divergent egg standards simply by
24 regulating a different characteristic of the product is irreconcilable with Congress’s aim to
25 ensure the “uniformity of standards for eggs” nationwide. 21 U.S.C. § 1032.

26 *Second*, and relatedly, ACEF’s reliance on the *noscitur a sociis* canon is
27 unpersuasive in this context. *See* ECF 61-1 at 21. According to ACEF, the upshot of
28 applying the canon is that “quality” and “condition” must be narrowly interpreted to

1 include only “physical characteristics detectable by sensory observation and not the
2 manner of their production.” *Id.* But this argument ignores that “quality,” “condition,”
3 “weight,” “quantity,” and “grade” serve different regulatory functions and thus are not
4 interchangeable. *See Russel Motor Car Co. v. United States*, 261 U.S. 514, 519 (1923)
5 (the canon is “not an invariable rule” and should not be applied when a term has “a
6 character of its own not to be submerged by its association”). As used in the EPIA, these
7 terms identify distinct types of standards that States may not impose precisely because
8 each captures a different dimension of a product’s marketability and regulatory
9 classification. “Weight” and “quantity” address size- and count-based metrics; “grade”
10 addresses composite evaluative judgments; and “quality” and “condition” refer to
11 attributes affecting fitness, freshness, and marketability. A reading of these terms that
12 limits them solely to superficial immediately observable physical characteristics collapses
13 this differentiation and strips the preemption clause of its intended scope—and certainly
14 is not a proper application of *noscitur a sociis*.

15 *Third*, the EPIA does not “set a floor” that States are free to “supplement with more
16 stringent regulations.” ECF 59-1 at 19. That reading would gut the statute’s preemption
17 clause. Again, that clause exists precisely to stop States from hindering interstate trade
18 with a jumble of conflicting and burdensome egg standards. Humane World’s argument
19 on this score falls flat for other reasons. *See id.* at 18-20. Most fundamentally, Humane
20 World is wrong that FDA regulations somehow “welcome[]” laws like the Sales Ban. *Id.*
21 at 18. The cited FDA regulation, 21 C.F.R. § 118.12(d), is a preemption clause that
22 invalidates any state “requirement regarding prevention of [Salmonella] in shell eggs
23 during production, storage, or transportation that is less stringent than those required by
24 this part.” It is a restriction on state authority, not a source of it—and certainly not an
25 endorsement of a law like the Sales Ban. And even if this regulatory limitation on state
26 power had any bearing on the scope of the EPIA, it would speak only to the States’ ability
27 to regulate conduct “during [egg] production, storage, or transportation.” *Id.* (emphasis
28 added). That has nothing to do with the Sales Ban.

1 Fourth, the USDA’s statements to Congress while the EPIA was being considered
2 (along with the rest of its legislative history) support the United States, not Opposing
3 Parties. Reprising its argument that the EPIA only preempts States from imposing
4 additional grading standards, ACEF points to the Assistant Secretary of Agriculture’s
5 observation that varying State grading requirements were “of great concern to producers
6 and handlers.” H.R. Rep. No. 91-1670 at 67. True, but nothing in that testimony suggests
7 that those are the *only* kinds of standards that Congress intended to preempt. Quite the
8 opposite. The Assistant Secretary made unmistakably clear that:

9 To insure uniformity of labeling, standards, and other provisions and enhance
10 the free movement of eggs and egg products in interstate commerce, the bill
11 would provide that . . . no State or local jurisdiction could [1] restrict the entry
12 of shell eggs to only those meeting certain of the Federal grade standards or
13 weight classes *or [2] otherwise require the use of shell egg standards of*
quality, condition, quantity, or grade in addition to or different from the
Federal standards.

14 *Id.* at 66-67 (emphasis added). That explanation refutes ACEF’s narrow view of EPIA
15 preemption. Just as Congress did in drafting the statute, the Assistant Secretary expressly
16 identified “quality” and “condition” standards as among the types of additional or different
17 State requirements the EPIA would displace. And his testimony underscores why. Laws
18 like the Sales Ban erect the very type of regulatory “barriers” to interstate trade of eggs
19 that Congress expressly sought to eliminate. *Id.* at 67. That prohibition, by conditioning
20 access to California’s market on compliance with standards that go beyond (and differ
21 from) the federal scheme, does exactly what the EPIA forbids: it creates a balkanized
22 regulatory landscape in which egg sellers are forced to operate under various “sets of
23 requirements.” *Id.*

24 Fifth, and contrary to ACEF’s assertion, the United States’ interpretation of the
25 EPIA’s preemption clause is entirely consistent with the broader statutory scheme.
26 ACEF’s surplusage argument misunderstands both the United States’ position and the
27 scope of the 1991 amendment. *See* ECF 61-1 at 14-15. As an initial matter, the United
28 States certainly has not alleged and does not argue here that the EPIA preempts any state

1 law “intended in part to reduce the risk of food-borne pathogens in eggs.” *Id.* at 15.
2 ACEF’s surplusage argument based on this premise is thus nothing more than a straw man
3 and so fails at the threshold.

4 Moreover, and more fundamentally, the 1991 amendment retains substantial
5 independent force under the United States’ reading. That amendment supplemented §
6 1052(b) with a new subsection (2), which provides that “with respect to egg handlers
7 specified [herein], no State or local jurisdiction may impose temperature requirements
8 pertaining to eggs packaged for the ultimate consumer which are in addition to, or different
9 from, Federal requirements.” Pub. L. 102-237, § 1012(g), 105 Stat. 1818, 1900 (1991).
10 Section 1052(b)(2) thus is a broad, categorical prohibition: with respect to specified egg
11 handlers, no State may impose “temperature requirements pertaining to eggs” that differ
12 from federal law. In important respects, that sweep is broader than § 1052(b)(1) because
13 a State law might impose “temperature requirements pertaining to eggs” without
14 necessarily violating § 1052(b)(1)’s separate prohibition on imposing “standards of quality
15 [or] condition.” 21 U.S.C. § 1052(b). Suppose, for example, a State enacted two statutes:
16 Law 1 obligates egg handlers to maintain train cars carrying eggs below 50 degrees, while
17 Law 2 forbids egg handlers from selling eggs that were stored above that temperature.
18 Section 1052(b)(2) would preempt both statutes because each “impose[s] temperature
19 requirements pertaining to eggs.” By contrast, § 1052(b)(1) would not displace Law 1,
20 which regulates storage conditions and does not impose a competing substantive standard
21 on eggs themselves. The Government’s construction thus gives full and independent
22 effect to both provisions and presents no surplusage problem.

23 ACEF’s related argument based on an unsuccessful 2013 amendment to the EPIA
24 fares worse. *See* ECF 61-1 at 15-16. Subsequent legislative history is always “a hazardous
25 basis for inferring the intent of an earlier Congress.” *Pension Ben. Guar. Corp. v. LTV*
26 *Corp.*, 496 U.S. 633, 650 (1990). And “[i]t is a particularly dangerous ground on which
27 to rest an interpretation of a prior statute when it concerns, as it does here, a proposal that
28 does not become law.” *Id.* Regardless, ACEF’s reliance on the 2013 proposal fails for

1 the same reason as its reliance on the 1991 amendment. The 2013 proposal, if adopted,
2 would have expressly preempted laws like California’s Proposition 2 that impose
3 “[r]equirements within the scope of this Act with respect to minimum floor space
4 allotments or enrichments for egg-laying hens housed in commercial egg production.”
5 S.820, 113th Cong. § 4(c) (2013). But again, the United States has never asserted nor
6 suggested that the EPIA’s preemption provision “already performs that function.” ECF
7 61-1 at 16.⁷

8 *Sixth*, Opposing Parties’ appeal to the “historic police power of the State” cannot
9 change the EPIA’s preemptive scope. ECF 60 at 24; *see* ECF 59-1 at 22. That refrain
10 adds nothing to the analysis. At the outset, and again, this argument is largely a red herring
11 because the United States does not assert that the EPIA preempts State laws banning
12 unsafe or inhumane production practices, or otherwise limits the States’ traditional power
13 to regulate in support of its citizens’ welfare. The claim here is much narrower. Section
14 1052(b)(1) of the EPIA displaces a tiny slice of State authority: the power to impose
15 quality standards on egg themselves. California’s position also proves too much. If the
16 EPIA has no preemptive effect on a “State’s authority to regulate for the purpose of
17 protecting its citizens’ health and safety generally,” ECF 60 at 24, then the EPIA would
18 preempt nothing at all; seemingly any regulation of eggs could be couched as a health and
19 safety measure. Nor when interpreting the EPIA is there any thumb on the scale in favor
20 of supplementary State regulation. Contrary to AWA, *see* ECF 58-1 at 18, the
21 presumption against preemption simply does not apply when interpreting § 1052(b). *See*
22 *Franklin*, 579 U.S. at 125 (“because the statute contains an express pre-emption clause,
23 we do not invoke any presumption against pre-emption”).

24
25
26
27 ⁷ ACEF’s argument surrounding the FDA’s adoption of Salmonella contamination
28 regulations is unpersuasive for similar reasons; the United States has never asserted that
the EPIA “regulate[s] the living conditions of egg-laying hens” or that § 1052(b) bars
States from imposing requirements on egg production, transportation, or storage aimed at
reducing Salmonella. ECF 61-1 at 16.

1 **III. The EPIA Preempts California’s Labeling Requirements.**

2 The EPIA also expressly preempts California’s Labeling Requirements as applied
3 to liquid eggs. Section 1052(b)(3) provides that, “with respect to egg products,”
4 “[l]abeling, packaging, or ingredient requirements, in addition to or different than those
5 made under this chapter, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging
6 and Labeling Act, may not be imposed by any State or local jurisdiction.” Congress thus
7 ensured that egg products processed under federal inspection would move freely in
8 interstate commerce without being burdened by overlapping or conflicting State
9 packaging and labeling rules.

10 California’s regulatory scheme disregards that command. Subsections (b) and (c)
11 of Cal. Code Regs. § 1320.4 both expressly regulate the “label” of “liquid eggs” sold in
12 California. Cal. Code Regs. tit. 3, § 1320.4(b)–(c). Subsection (b) prohibits any person
13 from labeling liquid eggs with specified terminology unless the eggs were produced in
14 accordance with California’s suite of animal housing requirements. *See id.* § 1320.4(b)
15 (“No personal shall label . . . liquid eggs for purposes of commercial sale in California
16 using [any specified term] unless the . . . liquid eggs were produced in compliance with [§
17 25991].”). Subsection (c) goes further still: it forbids labeling egg products with the term
18 “cage free,” or any similar descriptor, unless the producer satisfies a separate set of State-
19 mandated production standards. *Id.* § 1320.4(c) (“No person shall label . . . liquid eggs
20 for purposes of commercial sale in the state using the term ‘cage free’ or other similar
21 descriptive term unless the . . . liquid eggs were produced in compliance with [Cal. Code
22 Regs. § 1320.1].”). Under “the plain wording of the express preemption clause,” *Baden*,
23 107 F.4th at 939, these provisions are invalid as applied to labeling of liquid eggs.

24 To salvage these plainly preempted provisions, California and ACEF halfheartedly
25 try to recast § 1320.4(b) and (c) as mere antifraud prohibitions that somehow do “not
26 impose labeling requirements.” ECF 60 at 20; *see* ECF 61-1 at 26-27. This
27 counterintuitive argument does not work for several reasons. Initially, California already
28 has plenty of general anti-fraud regulations, and none of those is at issue in this case, which

1 challenges only the regulations that explicitly dictate labeling of liquid eggs. And even if
2 framed as a prohibition on false promotion, a rule that conditions the use of particular
3 terms on a federally regulated label is still a “labeling requirement” in ordinary language;
4 if a State dictates when a producer may or may not place specific words on an egg product
5 label, it has imposed labeling requirements “in addition to or different than those” that
6 exist under federal law. 21 U.S.C. § 1052(b)(3).

7 Last, the EPIA’s savings clause has no application here. It provides:

8 [A]ny State or local jurisdiction may exercise jurisdiction with respect to eggs
9 and egg products for the purpose of preventing the distribution for human
10 food purposes of any such articles which are outside of such [an official] plant
11 and are in violation of any of said Federal Acts or any State or local law
consistent therewith. Otherwise the provisions of this chapter shall not
12 invalidate any law or other provisions of any State or other jurisdiction in the
absence of a conflict with this chapter.

13 *Id.* (emphasis added). ACEF seemingly recognizes that its reliance on the savings clause
14 only works if it is also right that the Sales Ban is “consistent[] with the EPIA.” ECF 61-1
15 at 20. But for all the reasons already explained, that prohibition plainly conflicts with the
16 ordinary meaning of the EPIA’s preemption clause, so the savings clause has no
17 application here.

18 **IV. Equity Favors Granting Relief Against Preempted States Laws.**

19 Equitable principles favor (if not outright require) enjoining the Sales Ban for
20 straightforward reasons.⁸ Courts have long recognized that “[f]rustration of federal
21 statutes and prerogatives are not in the public interest,” nor is there “[any] harm from the
22 state’s nonenforcement of invalid legislation.” *Alabama*, 691 F.3d at 1301. Yet when a
23 State continues to enforce a preempted statute, the federal government suffers an ongoing
24 sovereign injury that only prospective relief can cure. *See id.; supra* at 9-11. The equitable
25 calculus is thus simple in cases like this one: equity requires enjoining preempted state
26 laws, at least in suits brought by the United States. The Supremacy Clause is not subject

28 ⁸ These principles likewise favor this Court exercising its discretion to grant declaratory relief against the Sales Ban.

1 to ad hoc interest balancing or waiver.

2 ACEF’s bold assertion to the contrary has no support in law and, if accepted, would
3 dangerously undermine federal supremacy. Indeed, and quite tellingly, ACEF has not
4 identified a single case in which a court refused to enjoin a preempted state law on
5 equitable grounds—let alone in a suit brought by the United States to vindicate federal
6 supremacy. ACEF offers no good reason for this Court to become the first to take such
7 an unprecedented step.

8 Instead, ACEF points to the federal government’s amicus brief (submitted at the
9 Supreme Court’s request) in *Missouri*. To start, the United States there did not “back[]
10 [AB 1437’s] lawfulness.” ECF 61-1 at 23. Rather, the federal government expressed its
11 view that the dispute was “not an appropriate case for the exercise of [the] Court’s original
12 jurisdiction.” USA *Missouri* Br. at 7 (ECF 61-10 at 14). The government gave several
13 reasons for this, including that Proposition 2 and AB 1437 were not preempted by §
14 1052(b) of the EPIA. But the United States did not defend AB 1437 on the merits of the
15 constitutional claim brought against it; the government instead asserted the Dormant
16 Commerce Clause challenge “would be best decided after development of a factual record
17 in an adversary case brought in district court.” USA *Missouri* Br. at 22 (ECF 61-10 at 29).
18 That is hardly the sort of ringing defense of AB 1437 that could reasonably engender
19 reliance. In any event, regardless of the government’s position in *Missouri*, a change in
20 the federal government’s litigating position over the course of several administrations is
21 unremarkable, not a convenient workaround to the Supremacy Clause. The federal
22 government cannot waive or surrender federal supremacy. Nor is a court’s equitable
23 discretion unbounded, as the Supreme Court has recently reiterated. *See Trump v. CASA,*
24 *Inc.*, 606 U.S. 831 (2025).

25 ACEF’s equitable argument also fails on its own terms. It mainly claims that it
26 would be unfair to enjoin the Sales Ban because doing so would upset the “serious reliance
27 interests” of “farmers nationwide.” ECF 61-1 at 9, 30. But enjoining the Sales Ban would
28 not require any farmer—inside or outside of California—to change a single production

practice or undertake any new investment. The injunction would impose no affirmative obligations at all; it would simply remove California’s prohibition on selling eggs that otherwise comply with federal law. The only “reliance” that could possibly be disturbed, then, is the reliance of certain California producers on the protectionist advantage the Sales Ban affords them by insulating the State’s market from interstate competition. But a producer’s expectation that a State will continue to enforce a preempted, protectionist barrier is not a cognizable equitable interest—much less one capable of overriding Congress’ explicit command that egg standards be nationally uniform.⁹

CONCLUSION

For these reasons, the Court should grant Plaintiff summary judgment on all counts and deny Opposing Parties' respective motions.

⁹ Humane World’s judicial estoppel argument, see ECF 59-1 at 9-11, fails for all these reasons and more, including that the doctrine of judicial estoppel only applies to “a party [that] assumes a certain position in a legal proceeding,” *Baughman v. Walt Disney World Co.*, 685 F.3d 1131, 1133 (9th Cir. 2012), and an *amicus curiae* “has never been recognized, elevated to, or accorded the full litigating status of a named party or a real party in interest,” *United States v. Michigan*, 940 F.2d 143, 165 (6th Cir. 1991) (collecting cases). Nor did the United States “succeed[] in maintaining” any position as to AB 1437, *Baughman*, 685 F.3d at 1133, when the Supreme Court ultimately “declined to rule whether” it complies with federal law, *Parker v. Sager*, 174 F.2d 657, 661 (D.C. Cir. 1949).

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1 **LOCAL RULE 11-6.1 CERTIFICATE OF COMPLIANCE**

2 The undersigned counsel of record for Plaintiff United States of America certifies
3 that this brief contains 8,295 words, which complies with the word limit set in the
4 Court's September 23, 2025 Order, ECF 56.

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